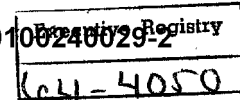


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OGC 64-1668

3 June 1964

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Mr. James Kendall and Colonel Glenn Smith,
Senate Preparedness Investigating Subcommittee Staff

REFERENCE: A. Memo for Record, dated 23 April 1964, subject
"Conversation with Colonel Glenn Smith"

B. Memo for Record, dated 19 May 1964, subject
"Briefing of Mr. James Kendall and Colonel
Glenn Smith"

1. On this date, I met with Mr. Kendall and Colonel Smith to discuss with them the requests made by Colonel Smith when [redacted] and I saw them to brief them on the present status of the Soviet atomic energy programs. Colonel Smith had asked for three things:

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- (a) a retention copy of NIE 11-2-63 on the Soviet atomic energy program;
- (b) a copy of the alert work sheets;
- (c) notifications on the same basis as the Joint Committee on Atomic Energy of current alerts.

2. I advised Mr. Kendall and Colonel Smith today that, as I had anticipated when Smith made these requests, we would have problems in providing the Subcommittee a retention copy of NIE 11-2. I indicated again that this was not a personal matter nor one of security clearances of individuals, but was a concern based on the Subcommittee's limited physical security facilities. I explained that we would be flying in the face of all of our other security precautions, i.e., our physical security arrangements such as guard control, restricted access areas, etc., if we were to place a National Intelligence Estimate in a 3-way combination safe in an open area where it could easily be penetrated. I acknowledged

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again that we did permit the Joint Committee on Atomic Energy to retain a copy of this estimate but emphasized that classified documents in the Joint Committee's control were stored not only in a 3-way combination safe, but also in a vault area within a restricted area which was under electronic and guard control. (One of the reasons for pointing out the Joint Committee's arrangements was to bring to Mr. Kendall and Colonel Smith's attention the possibility of their utilizing the Joint Committee's facilities for the retention of a copy of the NIE for their Subcommittee.) Mr. Kendall had previously acknowledged the inadequacy of their physical security facilities and, as indicated in Reference B, said that although the Subcommittee received Top Secret Restricted Data material from both the Department of Defense and the Atomic Energy Commission, the AEC "was not happy" with the Subcommittee's facilities.

3. Colonel Smith's reaction to this was that this document was essential to his work for the Chairman on the test ban safeguards and that he could not carry out the responsibilities assigned to him by the Chairman without it. I emphasized again that we were not denying Mr. Kendall or Colonel Smith access to the estimate, but did not feel that it could be stored overnight in their safe. Continuing, Colonel Smith said that the only alternative would be for the Subcommittee to have the Director come up and brief the Subcommittee every three or four months to keep them up to date since obviously Colonel Smith would not be able to copy the estimate for distribution to the members. I said that to my knowledge the only time the Agency had gotten into matters of this type was in the Director's briefing on the test ban treaty. In that instance, no transcript was made and presumably this arrangement would apply to any subsequent briefings which might take place. Colonel Smith referred to the fact that the Subcommittee had in its files Mr. Houston's Top Secret Restricted Data memorandum with attached charts and diagrams taken from NIE 11-2 and a copy of the Director's briefing statement which were being stored in Colonel Smith's safe. He said he found difficulty in distinguishing between this material and the NIE. I tried to point out that we were not particularly happy with this arrangement but still felt there was a distinction between this material and the actual estimate. I added that if we complied with Colonel Smith's request we would be establishing an precedent which we felt would not be desirable.

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4. I developed with Colonel Smith the fact that with his background and knowledge of the current estimate, he is sufficiently aware of its content so that frequent referral to it would not be necessary. However, with the publication of the new estimate in the 11-2 series within the next few months, Colonel Smith will require frequent access to that document to familiarize himself with it. I acknowledged that I was sure that the lack of the estimate would make Colonel Smith's work more difficult and asked if either Mr. Kendall or Colonel Smith had any suggestions to propose. Both replied in the negative. Mr. Kendall added that he didn't see how anything could be done on the matter at the moment.

5. I then brought up the matter of the alert work sheets and pointed out that these, too, were sensitive. However, in attempting to strengthen our position with respect to the denial of the request for the estimate, I thought we could make the work sheets available for Subcommittee retention. I added that while the Director had not focused on it, I believed we could provide the telephonic alerts to Colonel Smith on the same basis as our alerts to the JCAE (after the JAEIC meeting).

6. After our meeting, Colonel Smith invited me to his office and attempted to show me, through Mr. Houston's memorandum, that the Director had agreed to keep the Subcommittee informed of the status of He was unable to locate a specific commitment. He pointed out, however, that, in his opinion, the President had gone much farther than necessary in making commitments to keep the Congress informed, in the interest of obtaining greater support for the treaty. Colonel Smith claimed that prior to making these commitments, Senator Jackson and ten other senators were expected to oppose the treaty and the President, in an all-out effort to gain the support of these eleven men, directed the Executive Branch to make the necessary assurances in order to obtain their support of the treaty. Colonel Smith felt that this was an unnecessary commitment on the part of the President which some of the senators regarded "as a license to steal." He added that, whether this was a wise or unwise move by the President, the assurances had been given and the Subcommittee intended to see that they were met. If they were not, Senate support of subsequent treaties would not be given. I made no comment on this part of Colonel Smith's expression.

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7. Colonel Smith went on to say that while he had temporarily accepted our decision not to grant formal clearances to him, he was not certain that this matter would not be raised again. He said if he was not satisfied that the Agency was doing enough in its field of responsibility, the Subcommittee would be required to look into our programs in some detail. Attempting to avoid open argument, I mentioned that this would be an interesting situation since, as he knew, this then became a matter of inquiry into Agency operations. Colonel Smith acknowledged this to be so. I also said that in this connection it was good that both the Preparedness Subcommittee and the CIA Subcommittee (chaired by Senator Russell) were both Subcommittees of the same full Committee (Armed Services) adding that it might be interesting if the Agency had to go to Senator Russell with a situation where one of his Subcommittees was insisting on information which another of his Subcommittees would probably feel should not be disseminated elsewhere.

8. Colonel Smith said he felt he had no choice but to advise Chairman Stennis that he had been denied access to information which he needed in order to carry out the Chairman's instructions. I told Colonel Smith I wanted to make it absolutely clear the basis on which retention of the NIE was being denied. I told him we would be happy to make the estimate available to him as needed and pointed out this was not a denial of access. I added that what he said to Chairman Stennis was a matter between himself and the Chairman, however, I wanted it clear that if the matter were escalated to the Chairman and Mr. McCone, it not be on the basis of a misunderstanding between Colonel Smith and me.

9. As in our earlier meeting, I found that Colonel Smith was far more aggressive in these discussions than Mr. Kendall. Mr. Kendall seemed to recognize the NIE problem as an obstacle which we would have to work around, while Colonel Smith tended to regard it as a complete block to the work assigned him by Senator Stennis. The situation was left in this status and it is possible that it may not become more aggravated for several months since Colonel Smith will be away for several weeks and the new estimate is not expected to be out for several additional weeks.



Assistant Legislative Counsel

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